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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 VIRGINIA VELAZQUEZ and STEVEN  
14 BERRY,

15 Plaintiffs,

16 v.

17 COSTCO WHOLESALE  
18 CORPORATION and DOE ONE through  
19 and including DOE TEN,

20 Defendants.

Case No. SACV 11-00508 JVS (RNBx)

**JUDGMENT IN FAVOR OF  
PLAINTIFFS**

*Assigned to Hon. James V. Selna*

In accordance with the Court's findings of fact and conclusions of law—as read into the record on January 11, 2013—it is hereby **ORDERED AND ADJUDGED** that judgment be entered in favor of Plaintiffs Virginia Velazquez and Steven Berry as follows:

***I. Plaintiffs' Claims.***

***A. Unpaid Overtime Under the California Labor Code.***

Plaintiffs Velazquez and Berry are entitled to unpaid-overtime damages under section 510 and 1194 of the California Labor Code. The unpaid-overtime claim stems from work performed by Plaintiff Velazquez from December 30, 2005, through April 29, 2007, and by Plaintiff Berry from March 12, 2007, through June 24, 2007. As to Plaintiff Velazquez, prejudgment interest accrued pursuant to Labor Code section 218.6 and California Civil Code section 3289, on average, 6.38 years prior to the Court's January 11, 2013, findings of fact and conclusions of law; as to Plaintiff Berry, prejudgment interest accrued pursuant to Labor Code section 218.6 and Civil Code section 3289, on average, 5.71 years prior to the Court's January 11, 2013, findings of fact and conclusions of law. As a result, the total amount awarded to Plaintiff Velazquez for unpaid overtime under the Labor Code from December 30, 2005, through April 29, 2007—including prejudgment interest—is \$71,117.75, computed as follows:

Unpaid Overtime (Principal)	\$43,417.43
Interest = Principal $\times$ 10% $\times$ 6.38 Years	\$27,700.32
Total Owed, with Interest	\$71,117.75

Similarly, the total amount award to Plaintiff Berry for unpaid overtime under the Labor Code from March 12, 2007, through June 24, 2007—including prejudgment interest—is \$24,742.46, computed as follows:

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Unpaid Overtime (Principal)	\$15,749.50
Interest = Principal $\times$ 10% $\times$ 5.71 Years	\$8,992.96
Total Owed, with Interest	\$24,742.46

***B. Continuing Wages Under the California Labor Code.***

Plaintiff Berry is entitled to continuing-wage penalties under sections 202 and 203 of the Labor Code in the amount of \$14,520.00.

***C. Unpaid Overtime Under the California Business and Professions Code.***

Plaintiffs Velazquez and Berry are entitled to unpaid-overtime restitution under section 17200 *et seq.* of the California Business and Professions Code. The unfair-competition claim stems from work performed by Plaintiff Velazquez from May 23, 2005, through April 29, 2007, and by Plaintiff Berry from March 12, 2007, through June 24, 2007. As to Plaintiff Velazquez, prejudgment interest accrued pursuant to Labor Code section 218.6 and Civil Code section 3289, on average, 6.69 years prior to the Court's January 11, 2013, findings of fact and conclusions of law; as to Plaintiff Berry, prejudgment interest accrued pursuant to Labor Code section 218.6 and Civil Code section 3289, on average, 5.71 years prior to the Court's January 11, 2013, findings of fact and conclusions of law. As a result, the total amount awarded to Plaintiff Velazquez for unpaid overtime under the Business and Professions Code from May 23, 2005, through April 29, 2007—including prejudgment interest—is \$102,144.47, computed as follows:

Unpaid Overtime (Principal)	\$61,201.00
Interest = Principal $\times$ 10% $\times$ 6.69 Years	\$40,943.47
Total Owed, with Interest	\$102,144.47

Similarly, the total amount award to Plaintiff Berry for unpaid overtime under the Business and Professions Code from March 12, 2007, through June 24, 2007—including

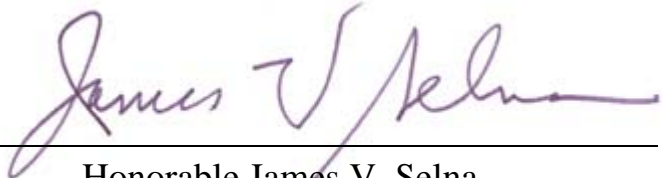
prejudgment interest—is \$24,742.46, computed as follows:

Unpaid Overtime (Principal)	\$15,749.50
Interest = Principal $\times$ 10% $\times$ 5.71 Years	\$8,992.96
Total Owed, with Interest	\$24,742.46

## ***II. Recapitulation.***

In sum, Plaintiff Velazquez is awarded \$102,144.47 in damages, restitution, and interest, and Plaintiff Berry is awarded \$39,262.46 in damages, restitution, penalties and interest.<sup>1</sup> In addition, Plaintiffs shall apply to recover their taxable and non-taxable costs, as well as their attorney's fees. Plaintiffs shall file their bill of costs within the time limits set by Federal Rule of Civil Procedure 54 and Central District of California Local Rule 54-2. Plaintiffs shall file their motion for attorney's fees and costs by February 11, 2013.

Dated: January 18, 2013

  
 Honorable James V. Selna  
 UNITED STATES DISTRICT COURT

<sup>1</sup> The time period covered by the unfair-competition claim wholly overlaps with Plaintiff Berry's claim under the Labor Code and partially overlaps with Plaintiff Velazquez's. To prevent any "double recovery," Plaintiff Velazquez is awarded a total amount of \$102,144.47, and Plaintiff Berry is awarded a total amount of \$39,262.46.

Submitted Pursuant to Central District of California Local Rule 5-4.4 by:

/s/ David Zelenski<sup>2</sup>

David Zelenski

Alan Harris

*Attorneys for Plaintiffs*

Endorsed Pursuant to Central District of California Local Rule 52-8 by:

/s/ Simon L. Yang

Mark P. Grajski

Timothy M. Rusche

Simon L. Yang

*Attorneys for Defendant*

<sup>2</sup> Pursuant to Central District of California Local Rule 5-4, I attest that all of the signatories listed on this signature page, and on whose behalf this filing is submitted, concur in the filing's content and have authorized its filing.